

BILL ANALYSIS

Senate Research Center
83R17171 MCK-D

H.B. 2818
By: Sheffield, Ralph (Carona)
Business & Commerce
5/15/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Local option elections may be held in counties, cities, or justice of the peace precincts to determine the types of alcohol sales allowed in those jurisdictions. Interested parties note that problems arise when local option elections are called in justice precincts whose boundaries no longer exist. Current law requires a local option election to change the status of a justice precinct to be held within the same boundaries that existed when the original election was held. Because justice precincts are regularly redistricted, counties must attempt to reconstruct old justice precinct lines and adapt voting precincts to jurisdictional boundaries that can be decades old to accommodate such an election. H.B. 2818 seeks to address these problems by providing for local option elections to be held within the current boundaries of justice precincts and clarifying the status of a newly created precinct.

H.B. 2818 amends current law relating to changing the wet or dry status of a justice precinct.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 251.72, Alcoholic Beverage Code, as follows:

Sec. 251.72. CHANGE OF STATUS. Provides that an authorized voting unit that has exercised or is authorized to exercise the right of local option, except as provided in Sections 251.73 (Prevailing Status: Resolution of Conflicts) and 251.80 (Change in Precinct Boundaries), retains the status adopted, whether absolute prohibition or legalization of the sale of alcoholic beverages of one or more of the various types and alcoholic contents on which an issue is authorized to be submitted under the terms of Section 501.035 (Issues), Election Code, until that status is changed by a subsequent local option election in the same authorized voting unit.

SECTION 2. Amends Section 251.80, Alcoholic Beverage Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires that a local option election held in a justice precinct be held in the territory comprising the justice precinct at the time the election is held. Requires that a local option status, if a justice precinct has established such status as a result of a previous local option election in the justice precinct, remain in effect until the status is changed as the result of a subsequent local option election in the precinct. Deletes existing text requiring that a local option status, whenever such status is once legally put into effect as the result of the vote in a justice precinct, remain in effect until the status is changed as the result of a vote in the same territory that comprised the precinct when such status was established. Provides that a subsequent local option election, if the boundaries of the justice precinct have changed since such status was established, will only change the local option status in the territory that is part of the justice precinct on the date of the subsequent local option election. Deletes existing text requiring the commissioners court, if the boundaries of the justice precinct have changed since such status was established,

to, for purposes of a local option election, define the boundaries of the original precinct. Deletes existing text authorizing a local option election to be held within the territory defined by the commissioners court as constituting such original precinct.

(a-1) Requires a newly created justice precinct, for purposes of a local option election, to be considered to have not held a local option election on the sale of alcoholic beverages. Provides that any local option status established in the territory comprising the new justice precinct that resulted from a local option election held in the territory when the territory was part of another justice precinct remains in effect until that status is changed by a local option election held in the new justice precinct.

SECTION 3. Repealer: Section 251.80(c) (relating to requiring that certain provisions of the Election Code, relating to the payment of local option election expenses apply to elections held in certain territory), Alcoholic Beverage Code.

SECTION 4. Effective date: September 1, 2013.